

# **Plan to Eliminate the Hearing Backlog *and Prevent Its Recurrence***



## ***End of Year Report Fiscal Year 2007***



*Social Security Administration  
Office of Disability Adjudication and Review*



# Plan to Eliminate the Hearing Backlog

*and Prevent Its Recurrence*

*End of Year Report  
Fiscal Year 2007*

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## Introduction

In his testimony to Congress on May 23, 2007, the Commissioner of Social Security, Michael J. Astrue, announced that the Social Security Administration (SSA) has developed a plan to eliminate the backlog of hearing requests and prevent its recurrence. The challenge is to process these requests for hearing despite the rising level of receipts. The Commissioner's plan focuses on (1) compassionate allowances (2) improving hearing office procedures; (3) increasing adjudicatory capacity and (4) increasing efficiency with automation and improved business processes. The Office of Disability and Income Security Programs (ODISP) continues to develop and expand the use of automated screening tools such as the Quick Disability Determination (QDD) process. ODISP is also looking at refining and updating our rules, regulations, and listing codes to reflect current advances in medical science. ODAR has taken an aggressive approach on numerous initiatives focused on improving hearing office procedures, increasing adjudication capacity and increasing efficiency with automation and improved business processes. This report covers the progress made on these initiatives as of the end of FY 07.

### *Executive Level Steering Committee*

A Steering Committee at the Senior Executive Level of the Social Security Administration was formed to facilitate implementation of the Commissioner's plan to address the hearing backlog. The first meeting was held on June 7, 2007 with weekly meetings through August and bi-weekly meetings since August. Committee members include:

- Frank A. Cristaudo, Chief Administrative Law Judge (co-chair)
- Mary Glenn-Croft, Assistant Deputy Commissioner for Operations (co-chair)
- Jim Winn, Acting Deputy General Counsel, OGC
- Jerry Berson, Assistant Deputy Commissioner, OS

- Diane B. Garro, Assistant Deputy Commissioner, OLCA
- Phil Gambino, Assistant Deputy Commissioner, OCOMM
- Alan Lane, Assistant Deputy Commissioner, OQP
- Milt Beever, Associate Commissioner, OLMER
- Glen Sklar, Associate Commissioner, ODP, ODISP
- Eileen McDaniel, Associate Commissioner for Management, ODAR
- Bill Taylor, Executive Director, OAO, ODAR
- Nancy Griswold, Deputy Chief Administrative Law Judge
- Larry Miller, Director, OBFM, OB
- Bill Newton, Senior Advisor, OQP
- Marilyn Hull, Project Director

Because of changes in Executive personnel responsibilities in late June, Ron Raborg, Deputy Chief Quality Officer, OQP, replaced Alan Lane, and in August, Roger McDonnell, Assistant Deputy Commissioner for Operations, replaced Mary Glenn-Croft.

## Improving Hearing Office Procedures

### *Reduce Aged Cases*

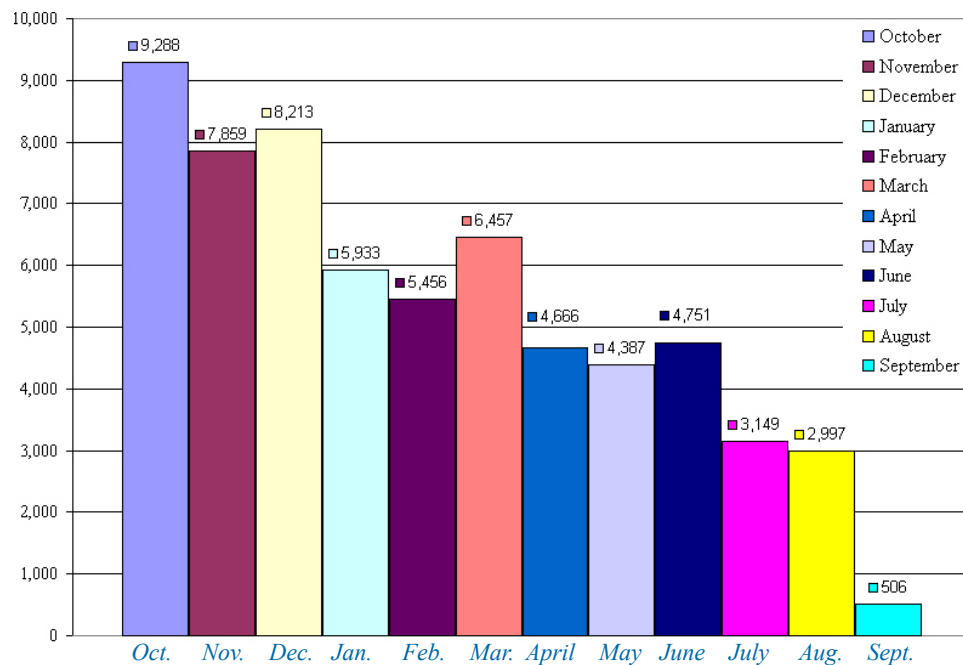
During Fiscal Year (FY) 2007, there were 63,770 pending requests for hearing cases which would be 1,000 days old or older by September 28, 2007, the end of FY 07. The hearing operation made a commitment to work down this inventory of aged cases in order to improve public service by providing decisions to claimants who had waited long periods of time. As a result of extensive oversight, improved management, and the continued focus by hearing office employees on these cases, ODAR reduced the backlog of aged cases to 108 by the end of FY 07.

Successful strategies to reduce the backlog included:

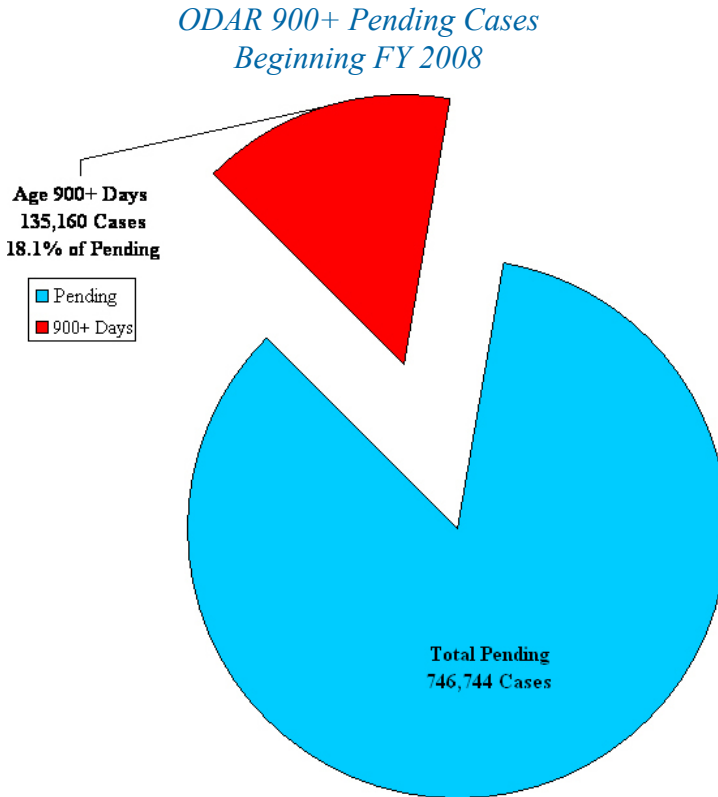
- Identification of national and regional coordinators who were in continuous communication with the hearing offices to provide extensive oversight and closely track the progress of reducing the number of aged cases

- Interregional transfers authorized by the Office of the Chief Administrative Law Judge (OCALJ) to assist regions with permanent case reassignment and decision writing
- Cooperative efforts between Regional Offices, Field Offices and Disability Determination Services to expedite consultative examinations in aged cases
- Review and correction of ODAR workload status codes
- Update and correction of claimants' addresses

*FY 07 1000+ Day Old Cases Closed by Month*



For FY 08, ODAR has set a target of eliminating all cases pending for 900 days or longer. ODAR began FY 08 with 135,160 cases which are or will become 900 days old in FY 08



- Findings Integrated Templates (FIT) for Attorney Adjudicator Fully Favorable Decisions and Order of Dismissal cases have been developed. These FIT templates will be downloaded to the Document Generation System (DGS) on October 31, 2007
- Each Attorney Adjudicator has been assigned a unique Decision Maker Code to be used in the Case Processing and Management System (CPMS). We continue to develop Management Information (MI) proposals and reports
- In collaboration with the Office of Quality Performance (OQP), a post-effectuation review of Attorney Adjudicator decisions has been designed
- An ODAR in-line pre-effectuation review of Attorney Adjudicator decisions is in the planning stages

### *Adjudication by Senior Attorneys*

The purpose of this initiative is to allow certain attorney advisors to issue fully favorable on-the-record decisions to expedite the decisions and conserve ALJ resources for the more complex cases and cases that require a hearing. It uses an approach similar to that of the Senior Attorney Adjudicator experiment of 1995-2001. Fully favorable decisions comprise about 56% of all decisions issued by ALJs. The interim final rule titled “Amendment to the Attorney Advisor Program”, was published in the Federal Register on August 9, 2007. To implement the Senior Attorney Adjudicator initiative set forth in the interim final rule, the following actions have been performed in the last quarter of FY 07:

- The Attorney Adjudicator business process has been developed and will be issued via a Chief Judge Bulletin



## Increase Adjudicatory Capacity

### *Fill ALJ Hearing Dockets to Capacity*

In order to fill ALJ dockets and increase adjudicatory capacity, ODAR developed a streamlined folder assembly process for pending paper cases and coordinated use of additional overtime to be worked by the Deputy Commissioner of Operations (DCO) employees. Paper folders were prepared for hearing by simply numbering the pages in each section of the folder. Duplicates were not purged and evidence was not ordered chronologically. As of the close of FY 07, 16,699 cases have been prepared for hearing using streamlined folder assembly. These cases were made available to ALJs who were willing to schedule and hear cases prepared by this method. ODAR will continue to use the streamlined folder assembly method for paper folders in FY 08 until the backlog of paper unworked cases has been depleted. ODAR maximized the use of DCO employees to perform folder assembly and other grade appropriate tasks on overtime in the most heavily impacted Hearing Offices (HOs). DCO employees assisted HOs on overtime with various tasks in addition to streamlined folder assembly, including burning CDs, associating paper mail, application and query printing, expert witness photocopying, scanning, ALJ folder preparation, alphabetizing, mailing decisions, photocopying for consultative examination (CE) requests, filing closed files, performing folder audit or inventory, creating barcodes, and filing ALJ folders. DCO overtime in the HOs began on June 23, 2007. Through September 29, 2007, Operations employees worked 30,522 hours of overtime in hearing offices. Stroke tallies reveal almost 295,000 workload item activities performed by these employees for hearing offices. This initiative will be ongoing in FY 08.

### *Remand Cases to Disability Determination Services (DDSs)*

The DDS informal remand initiative was developed to increase ODAR's adjudicatory capacity and to reduce the paper case backlog by having DDSs look at re-opening certain cases based on scoring profiles established by the Office of Quality Performance (OQP). The DDSs agreed to review approximately 20,000 informal remands in FY 07. Using overtime,

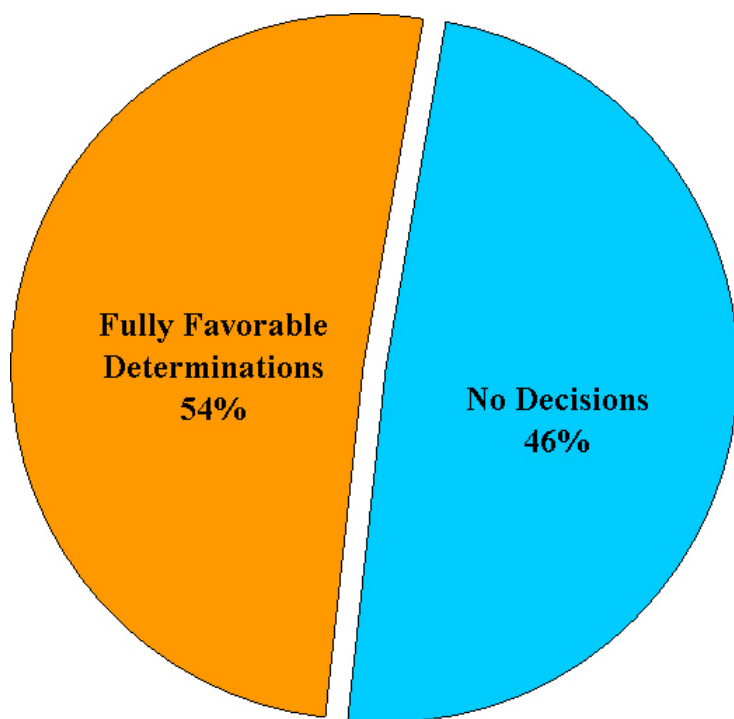
DDSs reviewed cases, and if they were able to make a fully favorable determination, cases were returned to the SSA field offices for adjudication. If the claimant did not contact the Agency within 30 days of the date of the DDS notice of revised determination to pursue the hearing, ODAR dismissed the hearing. If the DDS was not able to make a fully favorable determination, the case was fully developed by the DDS and returned to ODAR. ODAR moved these developed cases to the front of the queue for scheduling.

FY 07 results have been very positive and have exceeded expectations. It was estimated that approximately 20% of the remanded cases would be reversed by the DDS. By the close of FY 07, 8,714 favorable determinations had been returned by the DDSs and 7,413 cases were returned as "No Decision" by the DDS. This was a 54% reversal rate. At the end of FY 07, ODAR hearing offices had issued Orders of Dismissal on over 5,200 cases and there were 4,091 cases still pending at the DDSs. The FY 07 data from this initiative is currently being analyzed using several different sources of management information. As ODAR offices continue to issue dismissals, ODAR and OQP should be able to determine which of the profiles were the most effective in identifying cases with the potential to be reversed by DDS. In planning for FY 08, data is being gathered regarding ODAR backlogs of paper cases and DDS capacities to review cases. In addition, a cross-component workgroup completed documentation of the informal remand process for fully electronic cases. This functionality will be rolled out to production in FY 08. Several other modifications to the business process are also being made for FY 08, among them the front loading of approximately 13,000 cases from New York, Georgia, North Carolina, Kansas, Michigan, Indiana, Florida, and Ohio in the first quarter. These eight States have the highest number of unworked profiled paper cases. Plans are to send a total of 51,000 cases to the DDSs by the end of FY 08, with the expectation that approximately 10%, or 5,100 cases, will result in fully favorable decisions. ODAR is currently working with OQP to refresh the profile scoring to include new receipts and to identify additional cases which can be



remanded to the DDS or screened by Senior Attorney Adjudicators.

### *Informal Remands - All Clearances*



FY 07 DDS IR Receipts	End of FY 07 DDS IR Pending	FY 07 DDS Fully Favorable IR Determinations	FY 07 IRs Returned to ODAR – No Decision	Total FY 07 IR Clearances	FY 07 % IR Favorable Reversals
20,218	4,091	8,714	7,413	16,127	54.0%

### *Implement Medical Expert Screening Process*

This initiative is twofold. The first phase targeted children's cases and involved Pediatric Medical Units (PMUs) in Seattle and Boston. PMUs are multidisciplinary teams established at participating universities that are funded to help SSA evaluate children's disability cases through a contract with the Association of University Centers on Disabilities (AUCD). SSA has worked with AUCD on children's disability issues since 1999. ODAR asked the PMUs to complete standardized interrogatories which should be helpful to ALJs in making decisions. ODAR developed a business process, interrogatory template and cover letter template for the use of the hearing offices and PMUs. This initiative began on July 1, 2007 and continued until September 30, 2007. From July through September 2007, 173 cases were

referred to the PMUs. Twenty nine of these cases were closed as of October 5, 2007 with favorable decisions.

The second phase of this initiative is focused on identifying cases that may meet or equal one of the listings of impairments as early in the hearing process as possible through the prudent use of pre-hearing interrogatories to Medical Experts (MEs). This phase includes both childhood and adult cases. ODAR will use the Office of Quality Performance (OQP) profile scores and have a ME complete an interrogatory on selected cases. The purpose of the interrogatory is to determine whether impairments meet or equal a Listing and, if not, the limitations imposed by the impairment(s). In FY 07, ODAR developed three interrogatory templates (two for adults, one for children). These have been vetted with the Disability Policy Council, the Office of Disability Programs and the Office of General Counsel. These new interrogatories and a revised cover letter will be included in the January 2008 release of the Document Generation System (DGS). The Office of General Counsel also approved the rescission of a long-standing policy in the Hearings, Appeals and Litigation Law Manual (HALLEX)

requiring the vetting of proposed interrogatories. ODAR is finalizing changes to the business process in the form of a Chief Judge's Bulletin. We are also waiting for a legal opinion

from the Office of General Counsel on a separate issue before this project can begin.

### *Open National Hearing Center (NHC)*

The National Hearing Center (NHC) is a part of the Agency's strategy to address the historic hearings backlog and reduce case processing time by increasing adjudicatory capacity and efficiency with a focus on an electronic hearing process. Currently all hearing offices are operating in a dual paper and electronic environment, with the paper cases representing the largest percentage of the aged cases. While progress has been made in reducing these cases and their processing is essential, in the short term, processing them may actually reduce total dispositions because aged cases are generally more complex to prepare for a hearing. In order to allow hearing offices to focus

on processing aged cases and to ease the current backlogs, ALJs in the NHC will conduct electronic hearings from the NHC. The NHC will open in October. Support staff will report on October 15, 2007. Seven attorneys and 17 support staff were selected for the NHC in FY 07. During the final week of September, SSA received approval from Office of Personnel Management (OPM) on the amendments to the ALJ position description. After notification was released to the International Federation of Professional and Technical Engineers (IFPTE), the solicitation for ALJs was released to all Federal ALJs. The target date for bringing on new hires is October 26th. Allowing for training of the staff, the NHC is expected to begin conducting hearings in January 2008.

#### *Appoint Senior Judges*

#### *Hire ALJs from Other Agencies*

#### *Hire Additional Administrative Law Judges (ALJs)*

In FY07, four ALJs were hired from other Agencies. All had prior SSA experience which shortens the learning curve. Twelve intermittent (part time) Senior ALJs and four rehired annuitant (full time) ALJs were hired at the end of FY 07. When the OPM register is received, budget permitting, ODAR plans to hire up to 150 new ALJs.

#### *Improve ALJ Productivity*

ALJ productivity continues to increase. In FY 07, ODAR had 1,062 ALJs. Approximately 50% of these ALJs produced over 500 dispositions in FY 07. The Chief Administrative Law Judge has communicated his expectation to all ALJs that each ALJ should produce between 500 and 700 decisions per year.

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## **Increasing Efficiency with Automation and Improved Business Processes**

#### *Transition to the Electronic Folder*

During FY 07, ODAR implemented a major change in its business process which involved transition from processing hearings using paper folders to processing hearings using electronic folders. ODAR began FY 07 with 56,000 fully electronic folders. At the end of FY 07, the volume of fully electronic files had grown to 409,427 cases. Transition to the electronic folder not only involved training for hearing office employees, representatives, vocational and medical experts and hearing reporters, but also involved a learning curve associated with mastering a new process. It involved working in a dual environment with paper and electronic folders and a labor intensive certification process which impacted all positions in the hearing office. During FY 08, ODAR will continue to focus on eliminating the backlog of paper files as well as continuing to streamline processes within the electronic folder environment.

#### *ePulling – Electronic File Assembly*

The ePulling initiative involves the development of customized software that has the potential to classify documents, extract page level data, and identify potential duplicates. This information will assist in the case pulling process. In FY 07, “the proof of concept” was completed and the agency awarded a contract for development in September 2007 to eCompex. A pilot involving 5 hearing offices, the National Hearing Center and the model process test facility (MPTF) in Falls Church, Virginia is scheduled to begin to test and refine this functionality in early spring of 2008.

#### *eScheduling*

The eScheduling initiative envisions an automated calendaring function that will incorporate scheduling of experts, hearing sites and hearing room equipment, and ALJ availability. ODAR is working with the Office of Systems to identify possible vendors who could provide this customized software. Market research reports have been completed and are under review.

*Electronics Records Express (ERE)*

This initiative will expand access to the ERE website to allow outside end-users (representatives and the expert witness community) the ability to view the electronic folder online and to receive notices electronically. The target date to begin a pilot to test functionality allowing select outside user representatives the ability to view the electronic folder via the website is June 2008. ODAR is currently working with the Office of Systems on additional functionality to allow hearing offices to send notices to representatives via the website.

*Increase the Amount of Data Propagated to the Hearing Office Case Processing and Management System (CPMS)*

This initiative involves increasing current functionality and expanding the propagation of additional information into CPMS from other Agency legacy systems. Enhancements scheduled for FY 08 include the propagation of additional data from the SSA-831 (Disability Determination and Transmittal) into CPMS.

*Provide the Ability to Sign Decisions Electronically*

The electronic signature will give ALJs the ability to sign decisions electronically and will give the Hearing Office Chief Administrative Law Judge (HOCALJ) the ability to sign on behalf of another ALJ in the hearing office. This functionality is expected to rollout in January 2008.

*Centralized Printing and Mailing*

This initiative will provide high speed, high volume printing for all ODAR offices. Documents generated in the Document Generation System (DGS) will be sent electronically from the individual Hearing Office to a print server for mailing by a contractor. A pilot in four hearing offices will begin in January 2008. This pilot will involve centrally printing and mailing the acknowledgement of hearing request letter and its attachments. Additional hearing offices and notices will be added March, June and August of 2008.

*Shared access to the Electronic Folder*

This initiative will provide the ability to temporarily transfer cases for workload assistance, affording full functionality to both the receiving and the owning offices. Enhancements for January 2008 will include the ability to provide shared jurisdiction, allowing temporary transfer of electronic cases for decision writing assistance and case preparation.

*Enhance Hearing Office Management Information*

The Hearing Office system currently has an extensive management information application. Additional methods are needed to help monitor task times, more closely monitor the workload at any point in time, and track the progress of the backlog reduction initiatives. In FY07, new tracking mechanisms and spreadsheets were developed for the following initiatives: DCO overtime, informal remands, streamlined folder assembly, the Pediatric Medical Units and the National Hearing Center. Reports have been modified and created as the initiatives are assessed and modified. In FY 08, ODAR will continue to develop tracking mechanisms and data sheets to provide support to ODAR management at all levels.

*Provide Additional Video Hearing Equipment*

The purpose of this initiative is to increase the number of video hearings in permanent and remote sites which will decrease ALJ travel and should increase ALJ productivity. The Commissioner's intent is to provide video teleconferencing equipment in every hearing room. Currently we have 394 hearing rooms with video hearing equipment. Video hearings expanded from 55,127 scheduled and 41,457 held in FY 06 to 60,043 scheduled and 45,449 held in FY 07. An award to purchase an additional 158 video units was released on September 21, 2007. Shipping of new units will begin in the November/December timeframe. These units will be installed over a 12 month period.

### *Mandate Findings Integrated Templates (FIT) Decision Writing System*

Usage of the FIT by decision writers has increased over the last few months and is currently over 90%. ODAR is developing guidance in preparation for the directive to mandate FIT usage.

### *Streamlined Fully Favorable Decision Format*

ODAR completed systems requirements for the FIT streamlined fully favorable decision and the Office of Systems completed programming the template in late September. The new template has recently been validated and will be available to employees early in FY 08. ALJs should be able to use the streamlined fully favorable decision template to produce a decision in approximately the same time it would have taken to write decision writer instructions.

### *Update Hearing Office Systems Infrastructure*

Over \$9 million was spent in FY 07 on installations and upgrades of servers, video conferencing equipment and telecommunications equipment in the hearing offices, and for the set up of the National Hearing Center in Falls Church, Virginia. These updates support electronic folder processing by increasing the capacity of the infrastructure underlying the electronic folder and other electronic services. This initiative will continue throughout FY 08.

### *Provide Support to Send Additional Documents to the Electronic Folder*

This initiative is in the planning and analysis stage and will continue in FY 08. Documents such as earnings records and queries will eventually be able to be sent directly to the electronic folder, eliminating the need for hearing office employees to print them and scan them into the electronic folder.

### *Automated Noticing*

The ability to automatically produce the appropriate notice based on data stored in CPMS is currently in the planning stage. We are currently in the process of determining what systems resources are needed for this initiative.

### *Develop a New Case Processing and Management System for the Appeals Council*

The Office of Systems, in collaboration with staff from the Office of Appellate Operations, is in the process of building the Appeals Review Processing System (ARPS) which will allow the Appeal Council to process electronic folder cases. The first release is scheduled for January 2008 and will provide the basic functionality necessary to replace the Appeals Council's current case control system (ACAPS). The next release is scheduled for June 2008. It will contain enhancements to the ARPS system. The third release, scheduled for early 2009, will contain the functionality required to process Civil Action cases.

### *Extend Cooperation Between SSA Components that Process Disability Cases - "One SSA"*

The purpose of this initiative is to explore existing policies and regional initiatives, identify and/or develop best practices and tools, and share these results in order to devise strategies to gain consistency and prevent delays within the disability process. ODAR and DCO have joined forces in a national Hearings Initiatives Workgroup. The workgroup met via teleconference and developed a draft of recommendations to ensure that field offices are receipting and forwarding cases to ODAR in a timely manner and that the CPMS system is properly identifying the cases as having been received in ODAR. A draft of the workgroup's recommendations is currently being evaluated by team members in preparation for final submission to the Commissioner. There have also been a number of "One SSA" initiatives on the regional and local levels:

- Area Director (AD) /Field Office (FO)/ Disability Determination Service (DDS) /Hearing Office (HO) meetings to share information about pending workloads, to share new developments in the disability process that will impact all components, and to seek resolution on issues of mutual concern.
- Hearing Office/ Field Office exchange visits to promote greater understanding of each component's electronic folder process



- Providing additional resources through temporary promotions and details of FO employees to ODAR
- HOs working with a FO liaison appointed by the Area Director-the FO liaison visits each HO monthly to identify areas that could be improved such as miscoded files in the electronic hearing process
- ODAR Electronic Folder (EF) experts assisted with DDS/FO certification of EF process bringing components into parity on EF expertise
- In some Regions, Regional Chief Judges attend Area Director meetings and Regional Commissioner Executive Staff meetings to maintain reciprocal dialogue about ODAR caseloads and initiatives
- Analysts from Regional Commissioner's Center for Program Support reviewed non-disability related hearing files (e.g., overpayment, offset, resources) and prepared a written document summarizing the issue, facts and timeline of events and provided a summary intended to give the ALJ a clear explanation of the issues
- Employees from both regional ODAR and Operations offices participated in briefings for congressional staffers and representatives on disability caseloads and the electronic folder process
- Several Regional Commissioners spoke at ODAR Regional Management Conferences, sharing information on initiatives that will have a positive impact on ODAR

There have also been ODAR/OQP initiatives at the Regional level:

- OQP developed a template for issue identification and analysis of non-disability cases
- OQP also provided a technical expert to serve as a mentor to a designated HO liaison for non-disability case questions

- OQP provided Toolbar training to ODAR trainers and employees
- OQP detailed employees in several regions to assist ODAR offices in FY 07

### *Establish a Standardized Electronic Business Process*

The purpose of this initiative is to facilitate timely and legally sufficient hearings and decisions by achieving and maintaining effective, efficient and consistent case processing methods and office organizational structures throughout ODAR. This will maximize quality by improving accuracy, timeliness, productivity, cost-efficiency and service to the public. ODAR's Organization and Workflow Branch (OW) began working with Office of Quality Performance (OQP) in early July to prepare for site visits to ODAR hearing offices. Site visit teams include OQP and subject matter experts nominated by ODAR regional offices. The purpose of these site visits is to gather information on stakeholder wants and needs, identify best practices, problem areas and concerns and conduct task time assessments.

An initial visit was conducted in the Birmingham, Alabama Hearing Office on September 5th and 6th. It was determined that further visits would not occur until after the end of FY 07 to allow time to review the information gathered in Birmingham and to allow hearing offices to finish FY 07 without interruption from visiting teams. ODAR and OQP continued to work on a model business process and site visit documents. The OW Branch is also providing input concerning HO needs in relationship to e-pulling, e-scheduling and centralized printing and mailing.

### *Implement a Quality Assurance Program for the Hearings Process*

A quality assurance program for the hearing process will provide in line review of the claim file, the scheduling process and decision drafting to ensure that ODAR is providing timely and legally sufficient hearings and decisions. ODAR has been working with Office of Quality Performance (OQP) to design a process by which a random statistically

accurate sample of cases is identified for review. This process is being developed in conjunction with the standardized electronic business process. The Regional Attorneys will be charged with the additional responsibility of overseeing the Quality Assurance (QA) program. They will receive additional staff that will be assigned to the Regional Office, but may be out-stationed to various hearing offices to review claim files at three points in the process. The files will be flagged and reviewed once a hearing has been scheduled and again once a draft of a decision has been prepared. In addition to these two processes the QA process will also involve an in-line review of the Senior Attorney Adjudicator process.

QA employees will review the file for certain criteria and make appropriate recommendations to management for correction. In addition, under the direction of the Regional Attorney, they will prepare reports and track trends for training purposes. In some instances they will also be responsible for developing the training.

Currently, the position descriptions have been developed and the business process has been approved by the Office of the Chief Judge. It is anticipated that the QA process will roll out in three stages. The first stage will be the OQP post adjudicative review of Senior Attorney Adjudicator decisions following a January 2008 systems release. The second and third stages will most likely roll out simultaneously in a future release.

#### *Expand Office of Quality Performance (OQP) Review of Reconsideration Denials Using Profiles*

The purpose of this initiative is to detect and correct erroneous reconsideration denial determinations prior to their effectuation; to provide timely feedback both to the State DDS's being reviewed and to SSA management; to make recommendations for addressing identified problems; and ultimately to reduce the volume of hearing requests. OQP will review approximately 14,000 reconsideration denial determinations drawn at random over the course of

one year. The sample will be drawn from 15 State DDSs that have low accuracy. OQP will review the States consecutively in groups of five, with each group being reviewed for 4 months. This review began in September 2007 and will continue throughout FY 08.

#### *Provide Improved Training to Hearing Office Management Teams*

The purpose of this initiative is to use the latest information, tools and methodologies to develop an effective, dynamic and challenging training curriculum for newly promoted ODAR management officials. The training consists of a three-phase approach involving orientation, distance learning and hearing operation specific classroom training. New managers will be assigned a mentor and complete the orientation phase of the management training within a few weeks of their report date. The distance learning phase will be completed within 12 months. Distance learning for Hearing Office Directors (HODs) consists of 22 subjects involving 185 hours of training. Group Supervisor (GS) distance learning is 120 hours covering 19 subjects. The classroom phase of training will be offered annually to newly selected managers. Hearing Office Chief Administrative Law Judge (HOCALJ) training is being developed to align with the three phase approach.

A management training website is under construction and near completion. The site will provide a guide for all three phases of training (orientation, distance learning and classroom training). It will also contain links to many valuable resources. The first HOD class was held in Falls Church the week of 7/16/07 and two GS classes were held the week of 7/23/07 and the week of 8/6/07. The first HOCALJ class was conducted the week of 7/30/07. The classroom phase for FY 07 is complete. The regions will monitor the orientation and distance learning phases on an ongoing basis. The development of the website is ongoing. All phases of the training will continue to evolve and improve as they are rolled out.

#### *Co-locate Remote Hearing Sites with Field Offices*

In the past, ODAR has used a variety of sites to hold hearings. These sites included temporary space in

hotels, courthouses, schools, and conference centers. ODAR also established many permanent remote sites which were not connected to the SSA Local Area Network (LAN) system. In order to effectively conduct hearings in the electronic environment (efile and video hearings), permanent space with LAN connectivity is needed. In FY 07, ODAR created a national workgroup composed of representatives from ODAR's Office of Management (OM), the Office of the Chief Administrative Law Judge (OCALJ), the Office of Public Service and Operations Support (OPSOS) and the Regional Commissioners' staffs to develop a plan to create co-located hearing sites with field offices. In FY 07, the workgroup has been collecting data on video hearing usage, volume of hearing receipts, size of hearing rooms and space needed, lease expirations and labor issues. During FY 08 the workgroup plans to develop a business process which includes requirements and standards for different sized sites based on the ODAR workloads.

### *Effectuate Temporary Service Area Realignments and Continue Interregional Case Transfers*

The purpose of this initiative is to assist the most heavily impacted hearing offices with processing their workloads, prevent cases from aging, and to bring balance to the national workload. It is a two-pronged initiative, which includes permanent interregional case transfers and temporary service area realignments. From January 2007 through September 2007, 7,406 cases were permanently transferred between regions. The data from the FY 07 transfers is being used to develop a more comprehensive approach for FY 08. The goal is to begin by transferring approximately 4,400 cases early in FY 08. Once the flow of transfer cases begins, ODAR will realign certain Social Security field offices within high workload regions with hearing offices in lower workload regions. The intent is to balance ALJ pendings nationally as much as possible. New requests for hearings will be processed in the lower workload regions by means of video hearings.

### *Continue Decision Writer Productivity Improvement Initiative*

Hearing offices continue to use the decision writer statistical index report introduced in the beginning of FY 07 to assess decision writer productivity.

### *Use Weekly Workload Reporting and Monitoring*

Traditionally, management information for the hearing operation has been reported on a monthly basis. While reasons exist for this approach, it may result in delays in case processing as employees process more cases at the end of the month to meet monthly goals. In FY 07, the Chief Judge has been strongly encouraging managers to monitor workload processing data on a weekly basis and ODAR continues to develop workload reports to monitor hearing office performance this way.

### *Have Appeals Council Issue Final Decisions when Possible to Reduce Remands*

The purpose of this initiative is to reduce hearing level receipts by having the Appeals Council (AC) make technical corrections and issue decisions whenever possible instead of remanding them to the hearing level. Some cases that come before the Appeals Council contain relatively minor technical deficiencies which could compromise the support of the decision in court, but which do not affect the correctness of the ultimate conclusion on entitlement to benefits. Under normal circumstances, the Appeals Council would remand most of these cases to the hearing level for further action and to address the decisional defect. Under this initiative, if the case does not require a hearing or additional development, the Appeals Council will consider granting the request for review to issue a new decision with the technical issue corrected. Doing so, where appropriate, should reduce overall processing time for the claimant and reduce the number of cases remanded to the hearing level. Administrative Appeals Judges (AAJs) have met with their staffs to discuss ways to identify appropriate cases and provide guidance for issuing grant review notices and final decisions. In FY 07, from October through June, decisions were 2.5% of all actions and remands were 27.4% of all actions. From July through September, decisions were 3.2% of all actions and remands 24.2%. This data suggests that the initiative is off to a good start. AAJs will continue to work with their staffs to identify appropriate cases. Supplemental decision writing training will be offered if needed.



### *Improved Public ALJ Alleged Misconduct Complaint Process*

The Office of the General Counsel, Office of the Chief Administrative Law Judge, Office of Appellate Operations, and Office of Labor Management and Employee Relations have been meeting regularly to make immediate improvements under current rules and to clarify the complaint process for claimants. The group has completed changes to current notices,

posters, associated pamphlets, and the website that outlines how to file an unfair treatment complaint. The group continues to study the process and to consider improvements that will involve regulatory changes. The goal is to make the ALJ complaint process both fair and effective for SSA, the ALJs and the American people. In FY 07, the Office of the Chief Administrative Law Judge took a more pro-active stance in pursuing disciplinary actions based on ALJ misconduct.

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## Summary

Fiscal year 2007, particularly in the months subsequent to Commissioner Astrue's testimony to Congress in May, has been a challenge. ODAR, with the assistance of other SSA components, has risen to meet this challenge and implement the Commissioner's plan to eliminate the backlog and prevent its recurrence. Initiatives such as the informal remand of cases to the DDSs, streamlined folder assembly and the DCO overtime initiative rolled out in rapid fashion and were very successful. By the end of FY 08, additional efficiencies will be realized as a result of the many automation enhancements currently in progress. Business process improvements and productivity initiatives have begun. FY 08 will be another challenging year as the Commissioner's backlog plan continues to unfold. Following is a summary of the plans for FY 08:

- The National Hearing Center will open early in the fiscal year
- The Senior Attorney Adjudicator initiative will get underway November 1, 2007
- Informal remands to the DDSs will continue in FY 08 with approximately 13,000 cases from Georgia, Kansas, Michigan, North Carolina, New York, Indiana, Florida and Ohio being sent to various DDSs during the first quarter on FY 08
- The aged case initiative in FY 08 will focus on cases which are or will become 900 days or older in FY 08
- The centralized printing and mailing pilot will begin in January 2008
- The e-pulling pilot will begin in March 2008.
- ERE expansion to selected representatives will begin in June 2008
- E-sign will be implemented in January 2008
- The initial roll out for the Appeals Council case processing system is scheduled for January 2008
- Various automation initiatives will continue in the planning and analysis stage
- FIT streamlined fully favorable will become available early in FY 08
- ALJ and decision writer productivity will continue to be monitored
- 15,000 hours of DCO overtime will be available in the first quarter of FY 08

- The Medical Expert screening initiative will begin early in FY 08
- Video hearing expansion will continue through FY 08
- Improved hearing office management training will be provided to new GSs, HODs and HOCALJs
- The Appeals Council will continue to write decisions in lieu of remands where possible
- Temporary service area realignments and case transfers will be done to address heavy backlogs
- Co-location with SSA Field Offices will be a priority
- Hearing Office visits with OQP will continue in order to determine ODAR's standardized electronic business process
- The Hearing Office inline quality process will continue to be developed
- OQP's first report of reconsideration denials is expected in late February 2008

With the dedication and commitment of all Social Security Administration employees to provide improved customer service, the hearing operation will continue to move ahead in FY 08 with the Commissioner's plan to eliminate the hearing backlog and prevent its recurrence.



*Social Security Administration  
Office of Disability Adjudication and Review*